United Nations E/CN.6/2002/L.4/Rev.2

Economic and Social Council

Distr.: Limited
21 March 2002

Original: English

Commission on the Status of Women
Forty-sixth session
4-15 March 2002
Agenda item 3
Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century"

United States of America: revised draft resolution

The Commission on the Status of Women recommends to the Economic and Social Council the adoption of the following draft resolution:

Situation of women and girls in Afghanistan

The Economic and Social Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights[1] and all other relevant international human rights instruments and international humanitarian law,

Guided also by the Beijing Declaration and Platform for Action[2] and the further actions and initiatives to implement the Beijing Declaration and Platform for Action adopted by the General Assembly at its twenty-third special session,[3]

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[4] the International Covenant on Civil and Political Rights,[5] the International Covenant on Economic, Social and Cultural Rights,[5] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[6] the Convention on the Rights of the Child,[7] and the

[1] General Assembly resolution 217 A (III).
[2] See *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13).
[3] General Assembly resolution S-23/3, annex.
[4] General Assembly resolution 260 A (III), annex.
[5] See General Assembly resolution 2200 A (XXI), annex.
[6] General Assembly resolution 39/46, annex.
[7] General Assembly resolution 44/25, annex.

02-29746 (E) 210302

Geneva Conventions of 12 August 1949[8] and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[9]

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and must fulfil the international legal obligations they have undertaken,

Recalling the importance of the implementation of Security Council resolution 1325 (2000), on women, peace and security, as well as the statement made by the President of the Council on 31 October 2001, on women, peace and security,[10]

Welcoming the Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions, signed in Bonn on 5 December 2001,[11]

Welcoming also the efforts of Afghan women to participate actively in civil society, as evidenced by the Afghan Women's Summit for Democracy, held in Brussels on 4 and 5 December 2001, the round table on building women's leadership in Afghanistan convened by the United Nations Development Fund for Women and the Government of Belgium, held in Brussels on 10 and 11 December 2001, and the Brussels Action Plan on Afghan women's participation in the reconstruction of Afghanistan, adopted at the round table,

Welcoming further the international commitments expressed at the International Conference on Reconstruction Assistance to Afghanistan, co-chaired by the Government of Japan, the Government of the United States of America, the European Union and the Government of Saudi Arabia, held in Tokyo on 21 and 22 January 2002,[12]

Welcoming the Afghan women's consultation held in Kabul on 7 March 2002 under the auspices of the Ministry of Women's Affairs and the United Nations Development Fund for Women and the celebration of International Women's Day in Afghanistan on 8 March 2002, as well as the holding of the workshop on human rights under the auspices of the Afghan Interim Authority and the United Nations High Commissioner for Human Rights in Kabul on 9 March 2002,

Welcoming also the efforts of Afghanistan's neighbouring countries, who have hosted millions of Afghan refugees, especially women and children, and have provided humanitarian assistance in many areas such as education, health and other basic services,

Welcoming further the role of the international humanitarian organizations in providing humanitarian assistance to Afghan refugees,

Encouraging the international community to continue providing refugee-hosting countries with various forms of assistance and cooperation so that they can further assist Afghan refugees,

Bearing in mind the desirability of a voluntary return of Afghan refugees to their country in safety and dignity,

---

[8] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[9] General Assembly resolution 34/180, annex.

[10] S/PRST/2001/31.

[11] See S/2001/1154.

[12] See A/56/801-S/2002/134, annex.

Welcoming developments in Afghanistan that will contribute to the creation of conditions that will allow all Afghans, especially women and girls, to enjoy their inalienable human rights and fundamental freedoms and fully participate in the reconstruction and development of their country,

Welcoming also the commitment of the Afghan Interim Administration to the active participation of Afghan women in political, economic and social life, to the education of girls as well as boys and to the right of women to work outside the home,

Welcoming further the inclusion of women in the Afghan Interim Administration and in the twenty one member Special Independent Commission for the Convening of the Emergency Loya Jirga, and stressing the importance of the full and effective participation of women in all decision-making processes regarding the future of Afghanistan,

Welcoming the signing of the Declaration of the Essential Rights of Afghan Women, by the Chairman of the Afghan Interim Administration,

Welcoming also the fact that the United Nations Immediate and Transitional Assistance Programme for the Afghan People 2002 reflects the needs of, and the importance of the role to be taken by, women and girls in the process of peace-building, reconstruction and development,

Encouraging the members of the international community, including non-governmental organizations, to continue efforts to draw attention to the situation of Afghan women and girls,

Recognizing the importance of the human rights and fundamental freedoms of women and girls in Afghanistan,

Recognizing also that women's effective participation in civil, cultural, economic, political and social life should be promoted and protected throughout Afghanistan,

Recognizing further that Afghan women are primary stakeholders and agents of change, who must have the opportunity to identify their own needs and priorities in all sectors of society as full partners in the rebuilding of their society,

Recognizing the need for the international community to ensure that a gender mainstreaming approach is adopted in all its activities, and that it proceeds in a gender-sensitive way that gives Afghan women a key role in the process,

Recognizing also that non-governmental organizations are playing a valuable role both inside and outside Afghanistan in the provision of basic services and in the delivery of humanitarian assistance to the Afghan people, and that they continue to be important partners in the recovery and reconstruction process,

Mindful of the continued fragile humanitarian situation in Afghanistan and the importance of ensuring continued humanitarian assistance and protection for Afghan civilians,

Emphasizing that a safe environment, free from violence, discrimination and abuse for all Afghans is essential for a viable and sustainable recovery and reconstruction process,

1. *Welcomes* the commitments made by the Afghan Interim Authority to recognize, protect, promote and act in accordance with all human rights and fundamental freedoms, in accordance with international human rights instruments, and to respect and ensure respect for international humanitarian law;

2. *Welcomes with appreciation* the report of the Secretary-General to the Commission on the Status of Women on discrimination against women and girls in Afghanistan including the conclusions and recommendations of the report;[13]

3. *Welcomes* the establishment of the Ministry of Women's Affairs as an integral part of the Afghan Interim Administration, and urges the Interim Authority to provide the necessary assistance to enable the Ministry to function effectively, and encourages the international community to provide funding and technical assistance so that the Ministry can fulfil its task in promoting gender equality and develop the capacity to act as a catalyst for gender mainstreaming throughout the Government;

4. *Urges* the Afghan Interim Authority and the future Afghan Transitional Authority to:

(a) Respect fully the equal human rights and fundamental freedoms of women and girls in accordance with international human rights law;

(b) Give serious and expeditious consideration to ratification of the Convention on the Elimination of All Forms of Discrimination against Women,[9] and consider signing and ratifying the Optional Protocol to the Convention;[14]

(c) Repeal all legislative and other measures that discriminate against women and girls, as well as those that impede the realization of their human rights and fundamental freedoms;

(d) Enable the full, equal, and effective participation of women and girls in civil, cultural, economic, political and social life throughout the country at all levels;

(e) Ensure the equal right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(f) Respect the equal right of women to work and promote their reintegration in employment in all sectors and at all levels of the Afghan society;

(g) Protect the right of women and girls to security of person, and bring to justice those responsible for violence against women and girls;

(h) Protect the right to freedom of movement for women and girls;

(i) Respect the effective and equal access of women and girls to the facilities necessary to protect their right to the enjoyment of the highest attainable standard of physical and mental health in accordance with Afghanistan's obligations under the International Covenant on Economic, Social and Cultural Rights;[5]

---

[13] E/CN.6/2002/5.

[14] General Assembly resolution 54/4, annex.

(j) Reaffirm full support for the participation of women in the Special Independent Commission for the Convening of the Emergency Loya Jirga and in the Loya Jirga itself;

(k) Reaffirm the equal rights of women to own land and other property, inter alia, through the right to inheritance, and undertake administrative reforms and other necessary measures to give women the same right as men to credit, capital, appropriate technologies and access to markets and information;

(l) Provide women with an equal opportunity for employment in all ministries and commissions, including the Judicial Commission, the Civil Service Commission and the Human Rights Commission; and take steps so that the work of the Afghanistan Human Rights Commission is underpinned by international human rights standards and integrates women's rights in its mandate;

(m) Provide a safe environment free from violence to facilitate the voluntary return of refugees and displaced persons;

(n) Conduct a review of the impact on women and girls of the existing legal system in order to facilitate appropriate remedial measures with regard to family law, property and inheritance rights;

5. *Encourages* the continuing efforts of the United Nations and its agencies, guided by Security Council resolution 1325 (2000) on women, peace and security, to:

(a) Fully support the Afghan Interim Authority and the future Afghan Transitional Authority regarding the participation of women;

(b) Provide support to ministries to help develop their capacity to mainstream a gender perspective into their programmes;

(c) Support capacity-building for Afghan women to enable them to participate fully in all sectors;

(d) Provide technical and other relevant assistance so that the judicial system has the capacity to adhere to international standards of human rights;

(e) Develop and implement a programme of human rights education to promote respect for and understanding of human rights, including the human rights of women;

(f) Support measures to hold accountable those who are responsible for gross violations of women's human rights in the past, to ensure that full investigations are conducted, and that perpetrators are brought to justice;

6. *Invites* the United Nations system, international and non-governmental organizations, and multilateral and bilateral donors, to:

(a) Ensure a human rights-based approach and gender-mainstreaming in all programmes and operations, based on the principles of non-discrimination and equality between women and men, and ensure that women benefit equally with men from such programmes in all sectors;

(b) Develop comprehensive and coherent gender policy and programmes in Afghanistan, apply good practices of gender budgeting and strengthen inter-agency mechanisms for coordination and cooperation;

(c) Ensure the full and effective participation of Afghan women in all stages of humanitarian assistance, recovery, reconstruction and development, including planning, programme development, implementation, monitoring and evaluation;

(d) Employ Afghan women, inter alia, in management positions, promote security in their employment with the assistance community, and respect the right to women's freedom of movement;

(e) Support the elements of civil society active in the field of human rights, in particular women's rights;

(f) Ensure that all United Nations international and national personnel, prior to beginning their service, receive training that is appropriate on the history, culture and traditions of Afghanistan and are fully familiar with and guided by international standards of the human rights of women and girls;

7. *Encourages* the continuing efforts of the United Nations, international and non-governmental organizations and donors to ensure that all United Nations-assisted programmes in Afghanistan are formulated and coordinated in such a way as to promote and ensure the participation of women in those programmes and that w men benefit equally with men from such programmes;

8. *Welcomes* the continuing efforts of United Nations organizations to mainstream a gender perspective and their efforts to reappoint a senior gender adviser in the Office of the Resident/Humanitarian Coordinator or the Office of the Special Representative of the Secretary-General;

9. *Calls upon* the international community to continue to provide financial and technical assistance, including human rights education, to protect the human rights of women and girls and to support initiatives to end violence against them and to increase their economic security, as well as to strengthen the capacity of Afghan women to fully and effectively participate in conflict resolution and peace-building efforts and in civil, political, economic, cultural and social life;

10. *Invites* the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan to continue to give special attention to the human rights of women and girls and to incorporate a gender perspective in his work, and to cooperate with other Special Rapporteurs of the Commission on Human Rights;

11. *Calls upon* the Afghan Interim Administration and the future Afghan Transitional Authority to take all necessary measures to ensure the safety and security of all humanitarian workers in Afghanistan, whether employed by Governments, international organizations, non-governmental organizations or the International Red Cross and Red Crescent Movement, so that they can, regardless of gender, carry out their work unhindered;

12. *Requests* the Secretary-General to continue to review the situation of women and girls in Afghanistan and to submit to the Commission on the Status of Women at its forty-seventh session a report of progress made in the implementation of the present resolution.